Ethics Panel Is Opposed to Citing Schorr

9/16/76

By Richard L. Lyons
Washington Post Staff Writer

A majority of House ethics committee members said yesterday they would oppose contempt of Congress action against CBS correspondent Daniel Schorr despite his refusal yesterday to reveal his source for the secret House CIA report last January.

Six of the 12 members said they would oppose a motion, if made, asking the House to cite Schorr for contempt. This meant that at best the motion would lose on a tie vote. Another member, Rep. Charles E. Bennett (D-Fla.), indicated he was leaning against voting contempt. Other members said they had not made up their minds.

The opposition of at least six members indicates that the House would avoid a constitutional confrontation over the right of a reporter to protect a confidential source in the face of a congressional subpoena and demand that the source be revealed.

Schorr's appearance probably was the final hearing of the six-month investigation, which has cost $150,000. All that remains for the committee to do is write a report for the House, but the committee says it needs $100,000 more for that.

Schorr had advised the ethics committee in advance that he would not reveal his source. But the committee — under orders from the House to investigate the leak—felt obliged to ask the question of the one person who obviously knew the answer. Schorr refused to answer this question and eight others, despite warnings that refusal could subject him to contempt proceedings.

The controversy began in January when the House intelligence committee voted to release its report over Ford administration objections that it contained secret information that should not be made public. The House overruled the committee and forbade re-

See ETHICS, A28, Col. 3

ETHICS, From A1

lease of the report until information the administrationobjected to was deleted.

A few days later portions of the report were published by The Village Voice, a New York weekly. Schorr, a CBS correspondent who covered the intelligence investigation, admitted he made the report available to the Village Voice. The House, in an angry reaction, ordered its ethics committee to investigate "circumstances surrounding publication" of the report.

From the start there was a division in the committee as to the extent of its jurisdiction. Some members felt it should limit the inquiry to House members and staff. Others felt Schorr must be questioned. Some House members wanted to punish him for being a conduit for releasing classified information.

Schorr told the committee yesterday that he couldn't reveal his source because to do so would "dry up many future sources for many future reporters."

It is an article of faith with reporters not to reveal confidential sources, said Schorr. "To say I refuse to do it is not quite saying it right. I cannot do it," he told the committee.

Schorr said he believed he was protected by the free press guarantees of the First Amendment in his refusal to reveal his source. But he agreed that some information must be kept secret in the interest of national security and said he would not publish information that he believed would jeopardize national security.

At an earlier ethics committee hearing, Rep. James V. Stanton (D-Ohio), who served on the intelligence committee, testified that Schorr told him he had obtained his copy of the report from the CIA—which had obtained one for reproducing from Rep. Les Aspin (D-Wis.).

Schorr testified yesterday that he had named his source to only two persons—his wife and his lawyer, Joseph A. Califano Jr., both of whom have le-

gal privilege against being forced to testify as to what Schorr told them.

Yesterday Schoor talked freely about other topics. He said that after the House ordered the report held back, he tried to get his copy published as a paperback book. He said his reading of it convinced him it contained no vital secrets but told a story of improper government actions the public should know about.

But his intermediary, New York lawyer Peter Tufo, found no takers, Schorr said, because publishers were nervous about anti-CIA material after the "secrecy backlash" following the murder of CIA station chief Richard Welch in Greece a few weeks earlier. Schorr said Clay S. Felker, publisher of The Village Voice and New York magazine, was the only publisher who showed interest.

Schoor said he had wanted any proceeds that a publisher might pay for the report to go to the Reporters' Committee for Freedom of the Press. But as it turned out, no money changed hands, he testified yesterday.

Schorr, who has been suspended from his CBS news duties, told the committee the House has a right to police itself. But when the House chases reporters and demands to know their sources "you cross a delicate line between your legitimate function and our legitimate function," he said.

Members who said they would vote aginst any attempt to cite Schorr for contempt for refusing to reveal his source were Democrats Melvin Price (Ill.), F. Edward Herbert (La.) and Thomas S. Foley (Wash.), and Republicans Albert Quie (Minn.), Donald J. Mitchell (N.Y.) and Thad Cochran (Miss.).

For Schoor to be cited for contempt of Congress, the ethics committee by majority vote would have to approve a resolution of contempt and send it to the House for a vote.

If the House approved it, the Justice Department would be asked to carry it out. The maximum penalty on each count would be a year in prison and a $1,000 fine.